



General Assembly

February Session, 2004

Raised Bill No. 501

LCO No. 1828

01828_____CE_

Referred to Committee on Commerce

Introduced by:
(CE)

***AN ACT CONCERNING THE RETENTION OF JOBS IN
CONNECTICUT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) For purposes of this
2 section, "state agency" means an executive office, department, division,
3 board, commission or other office or officer in the executive branch of
4 the state government; and "privatization contract" means an agreement
5 between a state agency and a nongovernmental person or entity, in
6 which such person or entity agrees to provide services valued at one
7 hundred thousand dollars or more over the life of the contract that are
8 substantially similar to and in lieu of services provided, in whole or
9 part, by employees of such agency or by employees of another state
10 agency for such state agency. "Privatization contract" does not include
11 an agreement to provide legal services, litigation support or
12 management consulting only.

13 (b) Notwithstanding any other provision of the general statutes,
14 every privatization contract to which the state, a state agency or any
15 political subdivision of the state other than a municipality is a party
16 shall contain the following provisions: (1) The contractor agrees and

17 warrants that in the performance of the contract such contractor will
18 not originate or provide such services at a location outside of the
19 United States; and (2) failure by the contractor to comply with the
20 requirement that such services not originate or be provided outside of
21 the United States shall constitute a material breach of such contract,
22 making the contract void, and subjecting the contractor to liability for
23 damages in an amount equal to the amount paid by the state, state
24 agency or political subdivision of the state other than a municipality,
25 for the percentage of work originated or provided outside of the
26 United States plus attorney's fees and costs.

27 Sec. 2. Subsection (c) of section 4a-59 of the general statutes is
28 repealed and the following is substituted in lieu thereof (*Effective from*
29 *passage*):

30 (c) All open market orders or contracts shall be awarded to (1) the
31 lowest responsible qualified bidder, the qualities of the articles to be
32 supplied, their conformity with the specifications, their suitability to
33 the requirements of the state government and the delivery terms being
34 taken into consideration and, at the discretion of the Commissioner of
35 Administrative Services, life-cycle costs and trade-in or resale value of
36 the articles may be considered where it appears to be in the best
37 interest of the state, (2) the highest scoring bidder in a multiple criteria
38 bid, in accordance with the criteria set forth in the bid solicitation for
39 the contract, or (3) the proposer whose proposal is deemed by the
40 awarding authority to be the most advantageous to the state, in
41 accordance with the criteria set forth in the request for proposals,
42 including price and evaluation factors. Notwithstanding any provision
43 of the general statutes to the contrary, each state agency awarding a
44 contract through competitive negotiation shall include price as an
45 explicit factor in the criteria in the request for proposals and for the
46 contract award. In considering past performance of a bidder for the
47 purpose of determining the "lowest responsible qualified bidder" or
48 the "highest scoring bidder in a multiple criteria bid", the
49 commissioner shall evaluate the skill, ability and integrity of the

50 bidder in terms of the bidder's fulfillment of past contract obligations
51 and the bidder's experience or lack of experience in delivering
52 supplies, materials, equipment or contractual services of the size or
53 amount for which bids have been solicited. In determining the lowest
54 responsible qualified bidder for the purposes of this section, the
55 commissioner may give a price preference of up to ten per cent for (A)
56 the purchase of goods made with recycled materials or the purchase of
57 recyclable or remanufactured products if the commissioner determines
58 that such preference would promote recycling or remanufacturing. As
59 used in this subsection, "recyclable" means able to be collected,
60 separated or otherwise recovered from the solid waste stream for
61 reuse, or for use in the manufacture or assembly of another package or
62 product, by means of a recycling program which is reasonably
63 available to at least seventy-five per cent of the state's population,
64 "remanufactured" means restored to its original function and thereby
65 diverted from the solid waste stream by retaining the bulk of
66 components that have been used at least once and by replacing
67 consumable components and "remanufacturing" means any process by
68 which a product is remanufactured; (B) the purchase of motor vehicles
69 powered by a clean alternative fuel; or (C) the purchase of motor
70 vehicles powered by fuel other than a clean alternative fuel and
71 conversion equipment to convert such motor vehicles allowing the
72 vehicles to be powered by either the exclusive use of clean alternative
73 fuel or dual use of a clean alternative fuel and a fuel other than a clean
74 alternative fuel. As used in this subsection, "clean alternative fuel" shall
75 mean natural gas or electricity when used as a motor vehicle fuel. All
76 other factors being equal, preference shall be given to supplies,
77 materials and equipment produced, assembled or manufactured in the
78 state and services originating and provided in the state, provided in no
79 instance shall such services originate or be performed outside of the
80 United States. If any such bidder refuses to accept, within ten days, a
81 contract awarded to such bidder, such contract may be awarded to the
82 next lowest responsible qualified bidder or the next highest scoring
83 bidder in a multiple criteria bid, whichever is applicable, and so on

84 until such contract is awarded and accepted. If any such proposer
85 refuses to accept, within ten days, a contract awarded to such
86 proposer, such contract shall be awarded to the next most
87 advantageous proposer, and so on until the contract is awarded and
88 accepted. There shall be a written evaluation made of each bid. This
89 evaluation shall identify the vendors and their respective costs and
90 prices, document the reason why any vendor is deemed to be
91 nonresponsive and recommend a vendor for award. A contract valued
92 at one million dollars or more shall be awarded to a bidder other than
93 the lowest responsible qualified bidder or the highest scoring bidder in
94 a multiple criteria bid, whichever is applicable, only with written
95 approval signed by the Commissioner of Administrative Services and
96 by the Comptroller. The commissioner shall submit to the joint
97 standing committee of the General Assembly having cognizance of
98 matters relating to government administration, the State Auditors and
99 the Comptroller, an annual report of all awards made pursuant to the
100 provisions of this section.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>

Statement of Purpose:

To help keep jobs in Connecticut and stem the economic damage caused by outsourcing.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]